

SENATE, No. 1341

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 8, 2010

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Prohibits good faith allegations of child abuse from being used against the accuser in a child custody proceeding; makes it a disorderly persons offense to file a false allegation of child abuse.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning child abuse and supplementing Title 9 of the
2 Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. In any case involving custody of a child, a parent of the
8 child who makes a good faith allegation based on a reasonable
9 belief supported by facts that the child is the victim of child abuse,
10 as defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), and acts
11 lawfully and in good faith in response to that reasonable belief to
12 protect the child or seek treatment for the child shall not be
13 deprived of custody, visitation or contact with the child, or
14 restricted in custody, visitation or contact based solely on that belief
15 or the reasonable actions taken based on that belief.

16 b. Any person who knowingly files or causes to be filed a
17 report of a false allegation of child abuse or neglect, as determined
18 by the Division of Youth and Family Services, with the purpose to
19 influence a child custody proceeding is a disorderly person.

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21 2. This act shall take effect immediately.

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STATEMENT

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26 This bill provides that, in cases involving custody of a child, a
27 parent who makes a good faith allegation based on a reasonable
28 belief supported by facts that the child is the victim of child abuse
29 and acts lawfully and in good faith in response to that reasonable
30 belief to protect the child or seek treatment for the child would not
31 be deprived of custody, visitation or contact with the child, or
32 restricted in custody, visitation or contact based solely on that belief
33 or the reasonable actions taken based on that belief.

34 This bill makes it a disorderly persons offense when a person
35 knowingly files or causes to be filed a report of a false allegation of
36 child abuse or neglect, as determined by the Division of Youth and
37 Family Services, with the purpose to influence a child custody
38 proceeding. A disorderly persons offense is punishable by a term of
39 imprisonment of up to six months or a fine of up to \$1,000, or both.

40 This bill is modeled, in part, after a New York law, 2008 N.Y.
41 ALS 538, which was enacted into law on September 4, 2008. A
42 similar Tennessee law was enacted into law on May 28, 2004. Like
43 the New York and Tennessee laws, this bill is intended to protect
44 parents from being penalized in custody cases for making good faith
45 efforts to protect their child from abuse.

46 However, the bill goes one step further by criminalizing the
47 behavior of those who would use bad faith reports of child abuse or
48 neglect to influence child custody proceedings.